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CITY OF SOMERVILLE, MASSACHUSETTS
EXECUTIVE DEPARTMENT
OFFICE OF COMMUNICATIONS

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April 10, 1996

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

Enclosed, please find one original and nine copies of reply comments from the City of Somerville, Massachusetts for the implementation of Section 302 of the Telecommunications Act of 1996.

If you are in need of additional information, please feel free to contact me at (617) 625-6600 ext. 2600. Thank you for your consideration.

Sincerely,


Paul C. Trane
Director of Communications

cc: Larry Walke, Cable Services Bureau
International Transcription Services, Inc.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION

In the Matter of)
)
Implementation of Section 302 of)
the Telecommunications Act of 1996) CS Docket No. 96-46
)
Open Video Systems)

REPLY COMMENTS OF THE CITY OF SOMERVILLE, MASSACHUSETTS

The City of Somerville, Massachusetts respectfully submits these reply comments to the Federal Communications Commission ("Commission" or "FCC") in the above-captioned proceeding.

I. Introduction

Since 1990, the City of Somerville has been a leader in the telecommunications arena. We have worked to create an atmosphere of competition that truly creates a level playing field for all cable/teleco providers. Recently, the Commission released a Notice of Proposed Rulemaking in requesting regulatory framework for open video systems.

The City of Somerville hopes that any regulatory framework:

- A) Fosters a competitive environment;
- B) Produces a creative framework for providers to meet and expand on the current definition of PEG access;
- C) Protects local control of public rights-of-way;
- D) That OVS remain open to all programmers.

Below, these goals are outlined.

II. Discussion

A & B) The 1996 Telecommunications Act requires the Commission to establish clear PEG obligations for OVS. Many, including the National League of Cities, have proposed a match or negotiate position that would match an incumbent cable operator's PEG commitment or negotiate suitable agreements with localities. The City of Somerville currently believes that the match or negotiate strategy is important but only as a baseline for PEG access support. OVS operators should be encouraged to use the current PEG

access rules as a foundation upon which to build. OVS providers should be encouraged to provide funding and commitment that redefines PEG access to include such items as internet access. In short, today's PEG access is too limited in scope and OVS operators should be encouraged to meet a new multimedia world. Furthermore, OVS providers should be encouraged to create PEG networks that are more than local in scope. A statewide public access network or a regional educational access network would be invaluable tools for the home and school. These are elements that should be included in the OVS regulatory framework.

C) Local control of public rights-of-way are a critical element for all municipalities. There is no authority that matches the knowledge of its residents with the needs of the local citizenry better than a city or town. Certainly, the FCC should not be dictating where to place power nodes for broadband networks or setting asphalt replacement policies for teleco providers. "L.C. or local control should not be confused with D.C. as in Washington control."

D) A similar track should be taken to insure that OVS lives up to its name - "open". This means that nondiscrimination provisions must be developed to ensure that all programmers have affordable access to OVS.

III. Conclusion

In short, by being both fair and creative, the Commission will ensure a level playing field for OVS and cable operators. It is the City of Somerville's position that this level playing field framework will best demonstrate a commitment to PEG access and local funding while at the same time driving down rates for consumers.

Respectfully Submitted,

City of Somerville, Massachusetts



By: Paul C. Trane
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DATE: April 10, 1996